

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Kenneth L. Black, II,

Case No. 1:18 CV 205

Petitioner,

ORDER ADOPTING  
REPORT & RECOMMENDATION

-vs-

Chae Harris, Warden,

JUDGE JACK ZOUHARY

Respondent.

In 2012, Petitioner *pro se* Kenneth Black was convicted of burglary, kidnapping, assault, and weapons charges (Doc. 11 at 2). After unsuccessful appeals in Ohio state court (*id.* at 3–6), Black petitioned this Court for a Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. 1).

The Petition was automatically referred to Magistrate Judge Jonathan Greenberg under Local Civil Rule 72.2(b)(2); Warden Chae Harris answered (Doc. 7); Black filed a Traverse (Doc. 9); and Harris filed a Reply (Doc. 10). Judge Greenberg then issued a Report and Recommendation (R&R), concluding the Petition should be dismissed (Doc. 11 at 1).

This Court reviews *de novo* any portions of an R&R to which a party timely objects. 28 U.S.C. § 636(b)(1). Failure to timely object, however, waives district and appellate court review of the R&R. *See Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981). This waiver rule applies only if the parties are notified that failure to object results in waiver, *see Walters*, 638 F.2d at 950, and it has few exceptions, *see Vanwinkle v. United*

*States*, 645 F.3d 365, 371 (6th Cir. 2011) (prevailing party exception); *United States v. 1184 Drycreek*, 174 F.3d 720, 725–26 (6th Cir. 1999) (miscarriage of justice exception).

The R&R notified the parties that failure to object would result in waiver (Doc. 11 at 25). Neither party has objected, and the deadline for objections has passed. This Court therefore adopts the R&R (Doc. 11) in its entirety. The Petition (Doc. 1) is dismissed. This Court certifies there is no basis upon which to issue a certificate of appealability, and an appeal from this Order could not be taken in good faith. 28 U.S.C. §§ 1915(a)(3), 2253(c)(2).

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

July 10, 2019